

The Humble
P E T I T I O N
OF THE

Inhabitants of the Soake of Peterbo-
row, within the County of Northampton,
containing about forty Townes and
Villages, against the Undertakers there:
with Exceptions to their A&:

Setting forth how and wherein they abu-
sed the P A R L I A M E N T, by their
false suggestions; and a relation of a new
reviving of an old Court Project,
terribly to threaten those who op-
pose selfe-ended Desigues.



May 28: 1650.

3. *Urticaria*

and the other side, and to go forward until it
is past the end of the hill.

To the Supreme Authority of ENGLAND, Assembled in PARLIAMENT.

*The humble Petition of the Inhabitants of the Soake
of Peterborow, within the County of Northam-
pton, containing about forty Townes and Villages.*

Humbly sheweth,

 Hat your Petitioners understand; by an Act lately passed, That the Earl of Bedford and his participants, (who may be Judges and Parties for ought we know, not being named) as Undertakers, are to Draine our Fennes in the *Soake of Peterborow*, which containe about eight thousand Acres, and are to have above three thousand out of them, upon these grounds, as we humbly conceive: First, that we desired to be drained by them; Secondly, that we are fully heard; Thirdly, that our grounds were hurtfully surrounded, & of little or no value. To the first we denie, that we ever gave our Consents, but contrariwise, we alwaies opposed it; and if any Petitions were presented to that purpose, we protest against them. To the second, we attended many moneths at the Committee, but never had one witnesse examined. To the third, your Petitioners can prove, that our grounds are not hurtfully surrounded (as is suggested) but generally worth Tenne, Twelve, and Twenty Shillings an Acre; which is very well known to a principall Engineere lately employed by the said Adventurers, who for four hundred Acres would have secured all the residue from any hurtfull surrounding, or over-flowing: the onely prejudice we receive, being by the neglect of scowring some ancient Draines and Sewers by the said Earl in his Mannor of *Thorney*, and some new workes contrary to Law erected at *Whittlesey*, and elsewhere, which hurtfully surrounds many thousand Acres of rich Medowes; yet the said Earl must have above

a third part of our Fen for melioration. Your Petitioners humbly re-mind this Honourable House, that in primo Februarii the undertaking Draining was thrown out of this House for a Monopoly: Also your Honors, in your Grand and first Remonstrance of the fifteenth of December, 1641. adjudged it an *Injustice, Oppression, Violence, Project, and Grievance*; and in more express words thus; Large quantities of Commons and Severals have been taken away from the subject by the colour of the Statute of Improvement, and by abuse of the Commissions of Sewers, without their consents, and against it.

The humble desires of your Petitioners are; First, that they may enjoy the benefit of your Declarations, to maintaine our Proprieties, according to the Great Charter, and Petition of Right, and that (according to the Statute of Improvement) your Petitioners may be at libertie to make the best of their own; or that your Honours will be pleased to consider of our Exceptions against the said Act, which we humbly tender herewith unto your Honors: Secondly, that in the mean time we may not be disquieted in our Possessions by the said Undertakers: And lastly, that we may reap the benefit of your former Order, That no Member of this Honourable House, or any other person that is an Undertaker, Sharer, Purchaser, near Allie, Lender of Money, or shall have Collateral Security upon the Undertakers pretended Shares of our Land, may be Judges and Parties. And these things we are imboldned to crave of your Honors (although an Act of Parliament be passed against us) from your own words laid down in your excellent Declaration of November, 1642. where you declare, it is the peoples Rights, and your Duty, to receive Petitions, though against things established by Law.

And your Petitioners shall pray, &c.

Exceptions.

*Exceptions to the Act for Draining of the great Level,
extending it selfe into the Counties of Northton, &c.*

1. **W**Heras in the preamble of the Act, the great Levell is suggested to be such grounds, as by reason of the frequent over-flowing, are of small and uncertainte profit; and under that notion doe include the Fen in Peterborow Soake.

Except. We deny our Fen to be of that condition, being generally worth ten, twelve, and twenty shillings the Acres. And so they have erected their structure upon a false & unsound foundation, taking that for granted which is not.

2. Another consideration for the passing this Act, is that the Earl of Bedford in the 13th. year of King Charles, had ninety five thousand Acres decreed to him out of the said Levell, in recompence of his undertakings.

Except. This decree was procured by bribing the King with 12000. Acres of the said Levell, three thousand whereof was part of the Common of your Petitioners.

3. It is further alleadged, that the said Earle and his participants had made a good progresse therein.

Except. The onely progresse they made, was to devide the said ninety five thousand Acres amongst themselves by lots and shares, as by the words of the said Act appeares, for it was found by a Jury at Huntington, 14. Carol. that the said Earle and his Participants, had not meliorated the said Fens.

4. Whereas it is also suggested that by reason of some interruptions, the intended benefit of the Common-Wealth hath beene prevented and delayed.

Except. The interruption they received were onely their owne feares to proceed, because their undertakings were illegall, and their proceedings unjust which never were beneficiall, but destructive to the Common-Wealth, as hath beene declared by this present Parliament.

5. Another inducement to passe the Act, is that the said Earle and his Participants are content to proceede in the said worke, and hold it out as businesse proper for the care of a Parliament.

Except. We conceivethe Undertakers, many of them being persons dis-affected, are so contented to the end they might render the Parliament distatefull to the people, and by consequence ruine them, by countenancing that which they had formerly adjudged, and demonstrated as a grievance in the case of Sir Robert Barkeham, Captaine Hall, and Mr. Walrond; and so might doe that by policie, which they could not doe by power.

6. By the Act the Undertakers may leave 15000 Acres, for beds and receptacles for Water, besides Meres, Pools, and Channels.

Except. Under this pretence, they may to Draine the Earle of Bedfords Lands, which are next adjoyning, and really hurtfully surrounded, and make all our Common a receptacle for water.

7. Many of the Commissioners are such which the Undertakers know will not attend, others are Undertakers, sharers, or creditors directly or colaterally, and the Participants not being named, may be Commissioners for ought we know, and these Commissioners have absolute and unlimited power by view, or otherwise as to them shall seem meet without Juries (the life of the Law, and the peoples just freedome) to judge our grounds Drained, and put us out of possession; and in case we be grieved by their judgement, yet we have no remedy but by appealing to themselves; and that in the Temple Hall in London; or whether they will adjourne whereby the remedy is worse then the disease.

8. Our Lands were heretofore unjustly decreed to the said Earle, by colour of a Commission of Sewers, yet upon this ground the Undertakers must have the same proportion again, whether we receive benefit or no; and we have no liberty by this Act to seeke redresse, till first we be put out of possession, and then the Commissioners have only power for three yeares to give satisfaction, afterwards we be remediless.

9. *Except.* Any five Commissioners may put us out of possession, but we cannot be restored without six, by the ancient

ancient Commissioners of Sewers, there ought to be seven times six, by reason their were seven Levels.

10. Except. In case any restitution be made to person or owner, it must be taken from another; the Undertakers must still keepe their shares, which is to engage the Countries in Feuds and differences.

11. Except. By the said Act, the River of *Welland* is not to be intermedled withall, which will be very prejudiciall to your Petitioners, for we finde by constant experience, that in case we be not supplyed out of that River, our grounds is of that condition, that our Cattle perish for want of water.

12. Except. The Commissioners by the Act, have power at discretion to make our Lands which they conceive improved, though not within the pretended Levell, to bee contributary to the Undertakers, so that no man knows whether his Estate be free or no.

13. Except. By the 43. of *Elizabeth*, commonly called the Statute of Improvement; it is inacted and provided that an Undertaker ought to have the Major part of the owners and commoners consents, which the Undertakers well knew, and therefore they suggested to the Parliament, that your Petitioners did desire them to undertake it; and upon this ground when the said Undertakers heretofore preferred a Bill for Drayning the said Levell; the Parliament Ordered that all the Counties concerned should have notice, that so they might object what they could against the said Bill, and accordingly the said Counties did attend and objected against it; and thereupon that Bill went no further.

Therefore we humbly pray, that you will bee pleased by way of provisionall Act, or otherwise, that (wee not consenting) the Act may be repealed.

There are multitudes of poore concerned in this Fen, which if three thousand Acres be taken away from us, multitudes of poore must goe a begging.

Also the Undertakers new workes are of such dangerous consequence, that will drowne many Townes and Fields,

Fields, and many of the Parliaments good friends in their houses; and it much perplexes us, that we who have adhered unto you in your greatest extremities, should be ruined by those which deserted you, when you had most need of them. And Mr. Robert Henly should not onely Draine our Purses with his Latitats, but also by his destructive new workes, drown us in our Houses.

These exceptions we tender to your honours who only can redresse us, humbly desiring that you will give us leave as occasion shall require, to offer further and other Exceptions to the said Act.

The Petition was heretofore prefer'd into the hands of some Members of Parliament, with an intent to be presented to the House, but by reason of weightier business, it could not then be received.

About March last, the Undertakers set on worke-men to dig the ground, and make Banks and works in the Common belonging to the Soak of Peterborow. The Petitioners (that their dissent might appeare in acts as well as words) peaceably, and for some other reasons went to the work-men and discharged them.

Hereupon Mr. Henly and his complices, old Court Undertakers ~~had~~ ^{and} requessted Malignants, which Mr. Henly (as is reported) hath contracted for the Undertakers designed share in that Fen, began to befor himself, and to receive the old Court projects, to put such of the Petitioners who (he conceived) stood most for propriety, and in opposing his designe out of Commission of Peace, and to awe the Country to a compliance, threatens informations for riots against them in the upper Bench, and further to deter them, published abroad by his Agents, that the Petitioners (or some of them at least) are no leſſe guilty of treason then the Earle of Strafford; but upon what just grounds, it will appear by the insuing Papers.

The Undertakers further to blast the Petition in the House, do asperse the Petitioners with the name of Levelers, when as the Undertakers themselves are the true Levellers, who destroy propriety, and take away Land from the owners without and against their consents.

VALENTINE PARKER; WILLIAM
MANNING, EDMUND BRAGDY.

To Peterborow:

WHeras it is apparant that the Undertakers wi. take a large portion of the Commons, unless some speedy course be taken for prevention therof; Wee taking it into serious consideration, have thought fit that a considerabl. summe of money may bee raised by a voluntary contribution in every Towne, which wee have indifferently computed according to the Note sent to you, and wee desire you, whose Names are above written, to afford your assistance in promoting of the busynesse in your Townehip, and to meet us at the next Sessions, that the Countrey may know what is done therein. Dated the 8. day of April, 1650.

Francis Quarles.

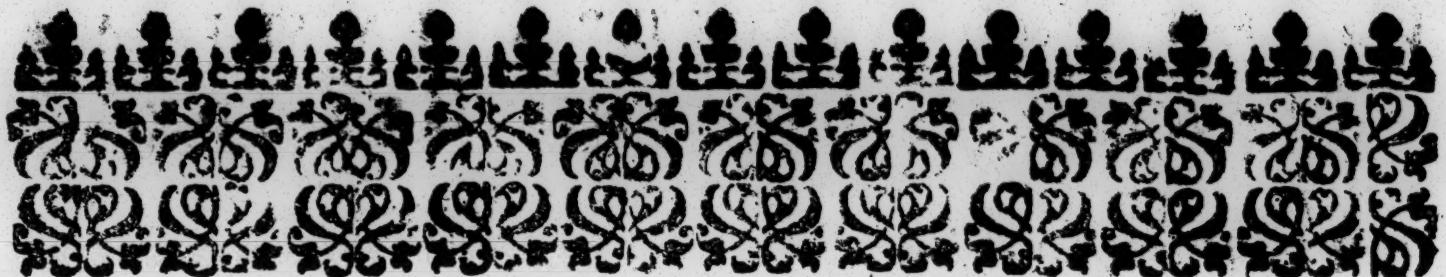
John Clepole.

William Leafild.

Peterborough, 1. l. 00. 00.

Copy of the Warrant.

Richard



Richard Kendall of Crowland in the County of Lincoln, Gent. maketh Oath that upon the 17. day of April last, one Francis Quarles of Ufford, in the County of Northampton, one of the Justices of the Peace for that County, with divers other Persons to the number of about 100. came in a tumultuous manner upon a Banck that leads from Peakirke in the sayd County of Northampton to Crowland aforesayd, being within the great Levell of the Fennes appoynted to bee dreyned by Act of this present Parliament, where there were neare 1000. men at wotke by direction of the Earle of Bedford, and other his Adventurers and Participants, in the sayd worke of dreyning for making up the Bancke in order to the dreyning of the sayd great Levell of the Fennes. The sayd Mr. Quarles did then in the head of the sayd Company then with him, in the name of the Lord of the Soyle and the Commoners discharge the sayd workemen from working any further: And the sayd Quarles being at that time told that there was nothing there doing, but what they were sufficiently authorised to do by an Act of Parliament, which this Deponent would have shewed him, being an Act of this present Parliament: The sayd Quarles replyed, that hee knew the Act of Parliament as well as hee, and did notwithstanding go on to discharge the workmen; insomuch as many of the sayd workemen did thereupon forsake their worke: And this Deponent further saith, that the sayd Quarles and his Company returning from the sayd Bancke they met with one Master Layfeild of Thorpe in the sayd County of Northampton, at Peakirke, to whom this Deponent repayed within a few dayes after, and shewed him the sayd Act of Parliament requiring him to bee assiting to the dreyning, as the sayd Act requires: When the sayd Layfield sayd, that if hee had not came too late hee had beene himselfe upon the sayd Banck with the sayd persons,

sons, who went to discharge the workemen: And this Deponent believeth that if the number of the workemen had not beene much greater then those persons that came to discharge them, and the Souldiers neare at hand in the Garrison of Cornwall, the sayd persons who came with the sayd Quarles had fallen upon the workmen: And this Deponent is induced to believe the same, because they gave out in a fearing way before they came, that they would come that day to pay the workemen their wages, meaning as this Deponent understood then, to beat them: And for the carrying on of this opposition to the sayd worke of dycning, this Deponent saith that several Warrants under the hands of some Justices of Peace, (two whereof were the sayd Mr. Quarles and Mr. Loycila) were made out for collecting money upon the Counrrey, and one of the Warrants this Deponent saw, wherof the Paper annexed is a true Copy.

RICHARD KENDALL

Jan. 3. Mass, 1650.

JOHN PAGE

Copy of the warrant.

To the Right Honourable the Lords Commissioners of the great Seale of England.

The humble Petition of the Adventurers for the Dreyning of the great Levell of the Fennes within the County of Northampton, Norfolke, Lincoln, Cambridge, and Huntington, and the Isle of Ely.

Humbly pray:

That your Lordships would be pleased to take into consideration, the high contempts and misdemeanors of Francis Quarles, and William Leyfield Esquires, and Justices of Peace in the County of Northampton, set forth in the Affidavit hereunto annexed, and to grant your Lordships honourable Letters, that the said Justices of Peace may answer the same before your Honours.

And your Petitioners shall ever pray for your Lordships, &c.

ROBERT HENLEY.

JOHN TRAFFORD.

4. May 1650.

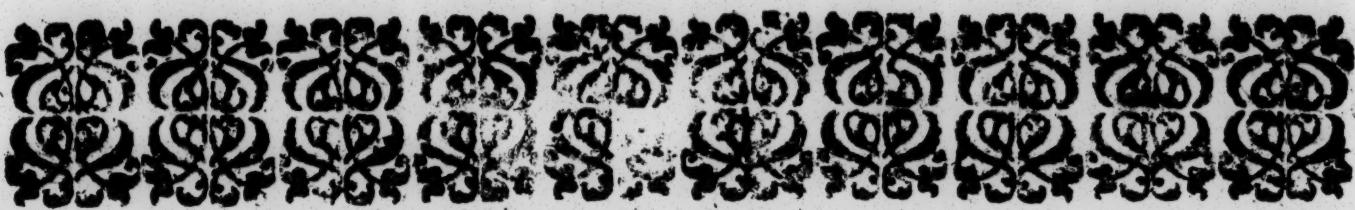
Let the above named Francis Quarles, and William Leyfield have notice of this Petition, Warrant, and Affidavit annexed, and put in their Answers thereunto, within 8 dayes after such notice.

Richard Kebble, Esq.

John Life. Esq.

Copy of the Petition.

To



To the Right Honourable the Lords Commissioners of the great Seale of England.

The humble Answers of Francis Quarles, and William Leafield to the Petition of Robert Henley and John Trafford, and to the Affidavit (and supposed Warrant thereunto annexed) of Richard Kendall.

Having received commands from your Honors to put in our Answers to the sayd Petition, Affidavit, and Warrant, In obedience thereunto, we humbly present to your Honors this our Answer and Accompt thereof: That we with the rest of the Gentlemen, Freeholders, and Inhabitants within the Soake of Peterborow, Commoners in the great Fen thereof, having information that the Petitioners and their participants had procured an Act of Parliament for Drayning the great Levell in the Petition mentioned (in which Levell they pretended the sayd Fenne to be) upon suggestions, that the sayd Gentlemen, Freeholders, and Commoners, did assent unto and desire the sayd participants, to undertake the sayd Worke. To undecieve the Hon. House of Parliament, and that it might appeare that the sayd Fen was not within the sayd Levell, and that the sayd undertaking Drayning, was without and against their consent; a Petition was exhibited by them, and preferred into the hands of some Members of Parliament, to be presented to the House. And in order thereunto, and that their sayd dissent might more clearly appear, and for that the sayd Undertakers had cut great part of the sayd Common where they the sayd Gentlemen, Freeholders, and Commoners, had severall Interests, and had not payd, or tendred them recompence for the said cuts, (as by the said Act is enjoyned, in case the sayd Common had beeene within the sayd Act and Levell), Hee the

sayd Quarke, together with John Cleypole Esq. and divers other Gentlemen, Freeholders, and Commoners, did about the time in the Affidavit mentioned, (in a quiet and peaceable maner as the Deponent himselfe hath often confest since) goe downe the banke leading from Peikerke to Crowland, (being part of their Common) where some workemen were imployed by the sayd Undertakers and did in the name of the Lord of the Soyle and Commoners, discharge the sayd workmen, to desist, till the Parliament should further declare their pleasure upon the sayd Petition. And wee doe deny, that to our knowledge there were any designes or intentions to offer any violence to the sayd workmen, however the sayd Deponent was groundlessly induced to believe the same. And he the sayd Leafeld doth deny, that he did tell the Deponent that in cas he the said Leafeld had not come too late, that he had beeene himselfe upon the sayd banke with the sayd persons, who went to discharge the said workmen, but told him the Deponent, that he the sayd Leafeld should be ready to suppress any tumult or uproare that should arise therupon, which also the Deponent hath since acknowledged. And further told him the sayd Leafeld, that he the sayd Deponent would have expressed the same in his Affidavit, but that some that stood by him, gave him a twitch, and wished him to forbear to exhort the same, or words to that effect. And they further Answer and confess, that they together with the sayd John Cleypole, are Justices of Peace for the Soake and liberty of Peterberow, and humbly conceive, they have not insidemeaned themselves in that place or trust reposed in them: but being met together about some publike busynesse for the Country, and having a great interest in the sayd Common, they were then desired by severall other Gentlemen, Freeholders, and Commoners, to take some care that some money might be rayfed by a voluntary contribution for prosecuting their sayd Petition, which they knew would be very chargeable, and equally concerned the whole Soake. Whereupon they upon the sayd desire, and by and with the consens of the sayd Gentlemen, Commoners, and Freeholders, did subscribe severall papers to some persons to desire assistance therein. But they doe utterly deny, that the sayd papers were subscribed by them as Justices of the peace, but only as fellow Commoners with the other Inhabitants within the sayd Soake. And for that reason, though o-

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ther Justices were then present, the papers were only subscribed by such as were Commoners. And they doe further deny the sayd papers to be any Warrants, or that they were so intended by them, or so reputed by the Country, there being no words of command in them, nor any penalty upon the refusers. And though a meeting was desired at the Sessions, yet not as any businesse of Sessions, but only appointed by the sayd Gentleinen, Freeholders, and Commoners, as a time of publike meeting of the Country, and for their ease and advantage, that so they might have notice what was done, and have a joint concurrence without any further trouble, or expence of time.

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